United Nations A/69/PV.89

General Assembly

Official Records

Sixty-ninth session

89th plenary meeting
Friday, 8 May 2015, 10 a.m.
New York

President: Mr. Kutesa ..... (Uganda)

The meeting was called to order at 10.05 a.m.

Agenda item 7 (*continued*)

Organization of work, adoption of the agenda and allocation of items

The President: I now invite the attention of the General Assembly to draft resolution A/69/L.62, circulated under agenda item 18, entitled "Follow-up to and implementation of the outcome of the 2002 International Conference on Financing for Development and the 2008 Review Conference".

Members will recall that, at its second plenary meeting on 19 September 2014, the General Assembly decided to allocate agenda item 18 to the Second Committee. To enable the General Assembly to take action expeditiously on the document, may I take it that the Assembly wishes to consider agenda item 18 directly in the plenary meeting and proceed immediately to its consideration?

It was so decided.

Agenda item 18 (*continued*)

Follow-up to and implementation of the outcome of the 2002 International Conference on Financing for Development and the 2008 Review Conference

Draft resolution (A/69/L.62)

The President: The Assembly will now take a decision on draft resolution A/69/L.62, entitled "Further modalities for the third International Conference on Financing for Development".

May I take it that the Assembly decides to adopt draft resolution A/69/L.62?

Draft resolution A/69/L.62 was adopted (resolution 69/278).

The President: The General Assembly has thus concluded this stage of its consideration of agenda item 18.

Agenda item 7 (*continued*)

Organization of work, adoption of the agenda and allocation of items

The President: I now invite the attention of the General Assembly to draft resolution A/69/L.61, circulated under agenda item 73, entitled "Report of the International Criminal Court". Members will recall that the Assembly concluded its consideration of agenda item 73 at its 36th plenary meeting, on 31 October 2014. In order for the Assembly to take action on the draft resolution, it will be necessary to reopen its consideration. May I take it that it is the wish of the General Assembly to reopen consideration of agenda item 73 and proceed immediately to its consideration?

It was so decided.

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Agenda item 73 (*continued*)

Report of the International Criminal Court

Draft resolution (A/69/L.61)

The President: I now give the floor to the representative of the Netherlands to introduce draft resolution A/69/L.61.

Mr. van Oosterom (Netherlands): I have the honour to introduce, under agenda item 73, draft resolution A/69/L.61, entitled "Report of the International Criminal Court". In addition to the 53 countries listed in document A/69/L.61, which contains the text of the draft resolution, 15 countries have indicated their wish to be included as sponsors of the draft resolution. It is my understanding that the representative of the Secretariat will read out the names of the countries involved. This brings the total number of sponsors to 68.

On 30 October 2014, the President of the International Criminal Court (ICC), Judge Sang-Hyun Song, presented the tenth annual report of the International Criminal Court to this body (see A/69/PV.34). We had a very constructive and in-depth debate, and in my introduction today I would like to highlight a few elements: universality, cooperation and complementarity.

First, on universality, in order to bolster the Court's success, universal adherence to the Rome Statute of the International Criminal Court remains crucial. Therefore, we welcome movement towards universality through the accession of new parties. By tradition, we mention those that have acceded to the Rome Statute in the course of the year. This past year, the Palestinian accession to the Rome Statute was the only one. It is our sincere hope that others will join in the near future.

Universal adherence to the Rome Statute is the only guarantee that perpetrators of the most horrible acts imaginable can no longer count on impunity. Earlier this week in this Assembly, we remembered the end of the Second World War (see A/69/PV.87). The universal sentiment 70 years ago was that the systemic and barbaric crimes that occurred during the War should never be allowed to happen again, and it is from this precise sentiment that the calls for a truly universal international criminal court, a court that aims to end impunity, originate.

The second item is cooperation. Let me highlight the fact that the situation with respect to outstanding arrest warrants continues to be worrying. The Court depends heavily on State cooperation in the enforcement of its orders and decisions. President Song reminded us that the Court is only as strong as States make it and that the States hold the key to unlock the Court's full potential. If States do not provide the cooperation necessary for the Court's functioning, in accordance with their legal obligations, it will not be able to fulfil its mandate, and impunity will continue to flourish. The cooperation of States, international organizations and civil society remains essential to the Court's functioning.

Cooperation is crucial, not only in relation to the arrest and surrender of accused persons but also in relation to the provision of evidence, the protection and relocation of victims and witnesses and the enforcement of sentences. We are therefore pleased that the United Nations has continued over the past year to assist the Court in its endeavours through implementation of the Relationship Agreement. We also welcome the assistance provided so far by States parties and non-States parties, and we call on all States to continue to support the Court's efforts in that respect.

My third point is on complementarity. The hallmark of the Court is the principle of complementarity. The primary responsibility to domesticate their obligations under the Rome Statute lies with the national authorities. It is also their responsibility to genuinely address cases that involve crimes under the Court's jurisdiction. If the national authorities are able to do so effectively, investigations by the Court become unnecessary. Finally, the International Criminal Court's tenth report and the ensuing debate once again underline the role of the Court in our efforts to build an international community based on not only the rule of law and respect for human rights, but also on peace and security.

Sustainable peace cannot be achieved if the perpetrators of the most serious crimes go unpunished. Peace and justice remain complementary requirements. They also serve as an essential requirement for development. Research has demonstrated that those nations that have come to terms with the wrongdoings of the past are better equipped to make progress and advance than those that are unable to do so.

The tenth annual report was the last report to be introduced by President Song. President Song dedicated 12 years of his life and career to the Court, the last six of them by serving as its President. President Song thereby became a trademark of the Court. Let me pay

tribute to him by saying that he will be remembered as a true champion of international justice.

The Kingdom of the Netherlands continues to take pride in being the host State of the International Criminal Court, and we look forward to the Court moving to its permanent premises, which are currently being built in my home city of The Hague, in the near future. The Kingdom of the Netherlands reiterates its commitment to being a partner in the pursuit of peace, justice and development — three fundamental pillars that, as I mentioned before, are inseparable and cannot be attained in isolation. The work of the Kingdom of the Netherlands within the United Nations is focused on peace, justice and development.

In conclusion, I will turn to the draft resolution itself, which continues to serve three main objectives. First, it provides political support for the International Criminal Court as an organization and for its mandate, its aims and the work it carries out. Secondly, it underlines the importance of the relationship between the Court and the United Nations on the basis of the Relationship Agreement, as both the United Nations and the ICC have an equally central role in enhancing the system of international criminal justice. Thirdly, the draft resolution serves to remind States and international and regional organizations of the need to cooperate with the International Criminal Court in carrying out its tasks.

The Netherlands hopes that the draft resolution will be adopted by consensus and that it will lead to continued or even greater support for the Court. In the fight against impunity and in its attempts to hold the perpetrators of serious crimes accountable for their actions. Let us continue to cooperate together for peace and justice.

The President: The Assembly will now take a decision on draft resolution A/69/L.61, entitled "Report of the International Criminal Court".

I now give the floor to the representative of the Secretariat.

Mr. Zhang Saijin (Department for General Assembly and Conference Management): I should like to announce that since the submission of the draft resolution, and in addition to those delegations listed in the document, the following countries have become sponsors of draft resolution A/69/L.61: Andorra, Argentina, Belize, Brazil, Canada, Georgia, Ireland, Jordan, Madagascar, Malta, Mongolia, the Republic of Moldova, San Marino, Serbia and Tunisia.

The President: May I take it that the Assembly decides to adopt draft resolution A/69/L.61?

Draft resolution A/69/L.61 was adopted (resolution 69/279).

The President: Before giving the floor to speakers in explanation of vote, I would like to remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Mr. Waweru (Kenya): Kenya acknowledges the adoption today by consensus of resolution A/69/279, on the report of the International Criminal Court. We are grateful to the facilitator for steering the lengthy negotiations. While we join the consensus and welcome the adoption of another General Assembly resolution on the International Criminal Court (ICC), we note that this year's resolution is a technical roll-over of resolution 68/305. As a robust participant in the negotiations, Kenya notes that the roll-over was not because of a lack of effort or hard work on the part of Member States. As often happens in multilateral diplomacy, the best efforts do not always guarantee a satisfactory outcome. Sometimes we just have to agree to disagree and consequently adopt the lowest common denominator. That should in no way be perceived as a failure, but taken in the context of the reality we find ourselves in today. At this juncture, we would like to acknowledge the delegations that put in extra effort and long hours in those negotiations.

The ICC has been in existence for 12 years now. It is a teenager. As is normal in dealing with all teenagers, direction and guidance, in this case on the part of Member States in helping the Court to strengthen international justice, are critical. The Member States should therefore refocus in order to ensure that the Court delivers justice with impartiality and adheres strictly to the Rome Statute. We also note that in recent years the Court has seen changes in senior personnel. It now has a fairly new Prosecutor and Registrar, and a new President and new Vice-Presidents, all of whom have expressed the need to undertake a wide range of reforms as one of their priorities on taking office.

In recognition of the very urgent need to change or shift gears, we request that, going forward, Member States consider redoing this resolution and changing its focus in order to better reflect the realities on the

ground and the working environment that the Court finds itself in. That would ensure that the ideals enshrined in the Rome Statute are realized in the manner that the original drafters and authors envisaged in the negotiations that culminated in its adoption at the Rome Conference. More importantly, we believe that it would ensure that the Rome Statute of the International Criminal Court is interpreted and implemented in a manner that is consistent with those original ideals, while acknowledging the social, cultural, economic and political realities the world is facing today.

We would like to see the Statute interpreted and implemented in a way that treats all Member States equally, without artificial divisions and categorizations that depict one group as owners and gallant defenders of the ICC and the other as the subjects for which the ICC was established. That artificial dichotomy has not achieved much ,and we need to seek radical reform and a change of hearts and minds if we are to ensure a level playing field for all States without prejudice, irrespective of their geographic region and economic capacity. The success of the ICC, indeed its very survival, could well depend on our forward movement in that regard.

In conclusion, Kenya therefore calls for a complete overhaul of the text, philosophical outlook and outcomes of this resolution. We hope we will be able to embark on a better process in future and agree on a text of improved quality and greater relevance. Kenya remains cooperative and intends to join in any discussions on this resolution in an engaged and constructive manner.

Mr. Saeed (Sudan) (*spoke in Arabic*): The Sudan would like to affirm the noble ideals on which the United Nations was founded and through which it seeks to maintain international peace and security, achieve sustainable development and protect and reinforce human rights, in an approach based on international cooperation and dialogue, with the aim of improving friendly relations and settling disputes by peaceful means.

In order to achieve those ideals and objectives, the Charter of the United Nations includes certain guiding ideals and principles that call for us to respect States' sovereignty, refrain from interfering in their internal affairs and protect their political and regional independence, while cooperating internationally in order to solve political and social problems and disputes around the world and avoid the use or threat of use of force in international relations. All of those principles are enshrined in the Charter.

Combating impunity is a noble ideal in the cause of justice and is not an issue we disagree with. It is one of the responsibilities of national judiciaries, carrying out their functions in accordance with their internal justice systems. Attempts to politicize international justice and make it a platform for attaining narrow ambitions and targets are not consistent with the international community's efforts to achieve justice and implement the purposes and principles of the Charter. On the contrary, they violate the principles of international law and increase tensions in international relations rather than improving and strengthening them, one of the main reasons for the establishment of the United Nations.

In today's meeting, we must recall the independent and separate nature of the relationship between the United Nations and the International Criminal Court (ICC) and that there is no organic or structural relationship between them. The attempts of some States members of the ICC to turn the General Assembly into a forum for members of the Rome Statute are a source of great concern for us. That approach, which my delegation has always strongly rejected, is reflected in resolution 69/279, entitled "Report of the International Criminal Court", which is submitted on a yearly basis.

The sponsors of the resolution are trying to expand on concepts that have nothing to do with the original relationship between the ICC and the United Nations. The resolution should not be used to garner influence in the United Nations for an independent Court whose powers are limited, given the existence of an agreement that regulates the relationship between the ICC and the organs that deal with its work. My delegation calls for compliance with the Relationship Agreement between the United Nations and the International Criminal Court without any expansion of the interpretation of the relationship between the two organizations.

Since it was established, the ICC's practices have shown it to be a body of international conflict and a means of political action because it concentrates mainly on Africa and targets African leaders and symbols. As a result, the general opinion of the Court in Africa is that it is led by the leaders of the powerful nations, who target developing countries. The question remains: what has the Court done with regard to other crimes committed throughout the world? Why does the Court

try to avoid discussing those other problems, crimes and scandals? Should not an international Court always combat impunity? Where are the principles of neutrality and impartiality that are the guiding principles for any kind of justice? The questions we are asking now and have been asking for a long time are difficult, but we have not received any convincing or logical answers. Yet the ICC's current practice is reflective of the normal response, which is that the ICC is focused in particular on African leaders and symbols.

The relationship of the ICC with the Security Council represents a clear politicization of the Court's work. It is not normal to have a relationship between a system whose objective is to maintain international justice and a political system that is guided by political and economic concerns. The same organ that refers cases from certain countries to the Court does not refer cases from other countries.

(*spoke in English*)

In the same resolution that referred the case to the ICC, exemptions were given to individuals from certain countries.

(*spoke in Arabic*)

As I said, it excludes the cases of some nations and citizens from being referred to the ICC. This is evidence of the difference between the noble ideas that unify the world and the political and economic interests that have nothing to do with justice. The reports of the Secretary-General concerning the relationship between the United Nations and the ICC should concentrate on and abide by the spirit of the Relationship Agreement. The ICC should not be involved in the United Nations system, as that conflicts with the spirit of the Relationship Agreement.

My delegation would like to express its concern with regard to the interference of the ICC in the work of the Secretariat and its attempt to dictate how United Nations staff should deal with Member States and with whom they should meet and should not meet. The ICC also expects reports and explanations on how United Nations staff carry out their functions, as if the Secretary-General and his staff were submitting their reports to the ICC and as if it were the ICC that had elected the Secretary-General and appointed his staff.

My delegation reaffirms its commitment to fighting impunity and achieving justice through qualified judicial mechanisms that have a mandate to do so. We categorically refuse to deal with the ICC, as we are not a State party to the Rome Statute and we do not have any obligations to it, in accordance with the Vienna Convention on the Law of Treaties. On that basis, the Sudan is not concerned with resolution 69/279, which was just adopted by the General Assembly, and does not give it any weight. We have no obligations under that resolution.

Mr. Mamabolo (South Africa): I have the honour to speak on behalf of Argentina, Austria, Belgium, Bulgaria, Chile, Costa Rica, Croatia, Cyprus, the Czech Republic, Estonia, Germany, Ghana, Guatemala, Hungary, Iceland, Jordan, Liechtenstein, Luxembourg, Mexico, Nigeria, Norway, Paraguay, Peru, Poland, Portugal, Romania, Samoa, Senegal, Slovakia, Slovenia, Switzerland, Trinidad and Tobago, Tunisia, Uruguay and my own country, South Africa.

We welcome the consensual adoption of resolution 69/279, entitled "Report of the International Criminal Court". It is the only General Assembly resolution dealing exclusively with the relationship between the United Nations and the International Criminal Court (ICC), the treaty-based organization at the heart of the international fight against impunity for the most serious crimes under international law — an objective shared by the United Nations. The resolution should therefore adequately reflect the ongoing cooperation between the two institutions, while addressing the most pressing challenges to the benefit of both partners. I want to highlight some of those challenges.

Cooperation between the United Nations and the ICC needs to be strengthened, and we encourage all United Nations offices, funds and programmes to collaborate effectively with the Office of Legal Affairs as the focal point for cooperation. The Secretary-General's guidelines on contacts with persons who are the subject of arrest warrants or summonses to appear are a step in the right direction when it comes to United Nations-ICC relations, and need to be implemented consistently.

The Court requires adequate financial resources to fulfil its mandate. It is under constant budgetary pressure, yet it continues to carry out activities under referrals made by the Security Council, albeit without support from the United Nations budget, as costs are exclusively borne by States parties. The General Assembly should therefore ensure the implementation of paragraph 1 of article 13 of the Relationship Agreement

between the United Nations and the International Criminal Court.

As the guardian of international peace and security, the Council has an important role to play in ensuring that there is no impunity for the most serious crimes under international law. In its relationship with the ICC, it should utilize its referral power in a consistent and coherent manner. But referring a situation is only the first step. The cooperation of States with the Court is essential to the Court's activities, while at the same time it is up to the Council to enforce its own decisions. That requires effective follow-up, support for the ICC by peace operations and adding indictees to sanctions lists, where they exist. Moreover, it is important to keep the dialogue between the ICC and the Security Council alive and to institutionalize cooperation between the two.

The Rome Statute system is based on the principle of complementarity, and the ICC remains a court of last resort. States have the primary responsibility to investigate and prosecute perpetrators at the national level. We need to protect the witnesses of those crimes, wherever they occur, and must deliver justice to victims. That is relevant not only to States parties, but should be something that all States do as a matter of course.

We are very disappointed in the outcome of the negotiations this year. We would like to see something far more positive emerge at the seventieth session as a result of a transparent, productive and substantive exchange. As States parties, we want to reaffirm our collective commitment to continuing to work with all stakeholders to strengthen our common fight against impunity. We therefore look forward to serious and meaningful negotiations on the resolution during the next session of the General Assembly.

Mr. Luna (Brazil): Brazil co-sponsored resolution 69/279, on the report of the International Criminal Court (ICC), as a means of expressing our unwavering support for the Court and our steadfast commitment to the values that motivated its creation.

Nevertheless, my delegation is frustrated by the process and the outcome of our negotiations this year. The distance between the resolution and the challenges faced in the relationship between the United Nations and the ICC has not decreased. We hope that, through transparent and inclusive dialogue, we can reverse that trend at the next session and deliver a text that is truly deserving of our shared goal of promoting universal access to peace, security, justice and the fight against impunity. I would like to reiterate my delegation's growing concern about a structural issue related to the core of the relationship between the Court and the United Nations, in particular the General Assembly. Despite the clear guidance provided by article 13 of the Relationship Agreement between the United Nations and the International Criminal Court — namely, that the United Nations must bear the cost of investigations and cases related to referrals by the Council — the Assembly has once again limited itself to merely acknowledging the fact that those expenses continue to be borne exclusively by the States parties to the Rome Statute.

It is regrettable that the resolution does not call upon Member States to truly address the issue. At a time when the Court faces an unprecedented workload and the members of the Council frequently entertain the idea of referring a situation to the ICC, we must objectively reflect on the sustainability of a system in which the costs of implementing such a decision are met solely by the States parties to the Rome Statute. It is also important to bear in mind that the General Assembly bears exclusive responsibility in the consideration and approval of the Organization's budget, as provided for in Article 17 of the Charter of the United Nations.

Every new ratification of the Rome Statute marks an important step towards the promotion of peace and justice. Brazil welcomes the accession of Palestine to the Statute. States that exercise their right to join multilateral treaties, especially those conceived for defending human rights and combating impunity, should be welcomed, rather than met with reprisals and sanctions. We expect that this accession will encourage others to become party to the Rome Statute.

Enhancing the universality of the ICC is a means of promoting peace and justice and of addressing a key international dimension of the rule of law that all States should commit to. International criminal justice should apply to all.

Ms. Millicay (Argentina) (*spoke in Spanish*): Argentina aligns itself with the statement made by the representative of South Africa on behalf of the group of States parties to the Rome Statute. At the same time, we wish to make a statement in our national capacity.

Argentina co-sponsored resolution 69/279, due to its firm support for the International Criminal Court (ICC). My country welcomes its adoption by consensus, because the relationship between the ICC and the

United Nations is undeniable. The Court has embraced the objective of the fight against impunity for the most serious crimes of international concern. In that respect, and in accordance with the Rome Statute, the Security Council has made two referrals to the Court.

The International Criminal Court is a permanent, complementary criminal justice tribunal. In other words, it intervenes when a national justice system is unwilling or unable to act. But the Court lacks its own enforcement mechanism; rather, it depends on the cooperation of all States, not only States parties. Argentina highly values the universalization of the Rome Statute. In that regard, we join others in welcoming Palestine — the most recent accession to the Statute — as a party to the Rome Statute, because that contribution has bolstered the Statute's full universalization.

In addition to highlighting the importance of the resolution on the ICC that we have just adopted, which is the only resolution the Organization adopts on its relationship with the Court, Argentina wishes to make some additional points about the process and the outcome of the negotiations that took place during this session.

Argentina appreciates the importance of consensus, but also wishes to emphasize that it is not an end in itself. The consensus of the General Assembly on the ICC must have suitable substance that appropriately reflects the evolution of the Court and its relationship with the United Nations, as well as new challenges it faces. That is why Argentina does not support the approach of exclusively favouring a mere technical update of the resolution, as several delegations encouraged us to do at this session, because this approach unfortunately prevents the incorporation of some substantive aspects that we consider to be essential, as follows.

Paragraph 14 merely makes a factual statement, namely, that the expenses related to Security Council referrals to the International Criminal Court continue to be borne exclusively by States parties to the Rome Statute. However, no reference is made to another statement of fact, which is that the Rome Statute provides that the costs of referrals should be borne by the United Nations, a provision also reflected in the Relationship Agreement between the United Nations and the Court, which the Assembly adopted by consensus (resolution 58/318).

We therefore have before us a very disturbing practice on the part of the Security Council as to the financing of referrals, which encroaches on the Assembly despite the support of a sizeable majority for full compliance with article 115 (b) of the Rome Statute, and the Relationship Agreement, which makes it subject to the approval of the General Assembly. It is worth mentioning that the draft resolution submitted to the Security Council in connection with referring the situation in Syria to the Court (S/2014/348) made mention of the need to finance the expenses related to investigations and trials relating to situations referred by the Security Council. For Argentina, it is not acceptable that the Assembly is prevented from making a decision on this issue, for which it is fully empowered by the Charter of the United Nations, and we think it should necessarily be addressed. To fail to do so jeopardizes the sustainability of the Court's investigations and the credibility of the Organization.

The provisions of the Rome Statute and the Relationship Agreement are clear. It is also clear that it is not acceptable for the Security Council to take the decision to make referrals to the Court and also seek to prevent it from receiving the funding it needs from the Organization. The ongoing and fierce opposition of a small minority to a course of action that the Assembly needs to take promptly could lead to all those of us who have been struggling for years to support the ICC to explore other avenues for taking such a decision.

Also in relation to the Security Council, Argentina agrees with many Member States that it is necessary that this body responsibly follow up on the referrals it makes to the Court. So far, the Council has made little progress in implementing the commitment it undertook in presidential statement S/PRST/2013/2. We believe that the General Assembly is in a position to insist upon a more organic institutional relationship and more fluid cooperation with the Court.

Another aspect in which it seems impossible to see progress in resolution 69/279, despite the fact that there has been tangible progress among the States parties, is the ratification of the amendments to the Rome Statute adopted in Kampala in 2010, including the ratification of the amendment on the crime of aggression. For reasons we do not understand, the General Assembly has been prevented from reflecting in its resolutions the progress being made towards the entry into force of the amendment of aggression, an issue that clearly shows the contribution of the Rome Statute to international peace and security.

My country, which hopes to ratify the Kampala amendments as soon as possible, believes that it is unfortunate that this is happening, although we must recognize that, even if the resolution adopted does not reflect it, the entry into force of the amendment on aggression and the activation of the Court's jurisdiction in 2017 will be a reality, making the Rome Statute's contribution to international peace and security even more obvious.

Mr. Mnisi (Swaziland), Vice-President, took the Chair.

The significant contribution of the International Criminal Court in the fight against impunity for the most serious crimes of international concern is also a contribution to the objectives of the Organization. We hope that the General Assembly, which throughout its history has made outstanding contributions to the evolution of human rights and justice, will in future be able to adequately reflect the current challenges facing the Court and its relationship with the United Nations.

Mr. Ceriani (Uruguay) (*spoke in Spanish*): The delegation of Uruguay voted in favour of resolution 69/279, having joined the consensus as it has done in previous years, on the understanding that the vote endorses the current relationship between the United Nations and the International Criminal Court and supports its management decisions of the last year. We recall that the resolution is based on the annual management report of the Court (A/69/321). Furthermore, our delegation was a sponsor of the draft resolution.

Uruguay aligns itself with the statement made by the Permanent Representative of South Africa on behalf of a specific group of countries, including ours. In that regard, Uruguay wishes to make some additional comments to those mentioned in that statement.

Our delegation does not consider the way the work was conducted in the current year to be optimal or appropriate, and even less so with regard to the outcome, namely, the technical update, which is the least ambitious possible without taking into account the option of there not being a resolution. Uruguay had wished to go through the natural process of negotiating the draft resolution with the United Nations membership, which would surely have brought about results with more substance and would have been much more suited to the important work that the Court is doing both in combating impunity for the most serious crimes at the international level and in its deterrent effect on them. Our delegation hopes that, on the grounds of evading or avoiding negotiations that are deemed complex, the alleged misunderstandings and the rapid dénouement, without room being made for any possible negotiation, will not be repeated in the years to come, given that transparency is the prime value at all times.

Finally, Uruguay notes that it is clear that what happened in the process of the adoption of the resolution does not create a precedent for future negotiations on future reports of the International Criminal Court.

Ms. Guillén-Grillo (Costa Rica) (*spoke in Spanish*): My delegation aligns itself with the statement made by the Permanent Representative of South Africa on behalf of a group of States parties. In our national capacity, we wish to address some further issues.

The International Criminal Court is undoubtedly the most important achievement in recent years in the area of international justice. Born of the will of the international community to end impunity for the most serious crimes against humanity and to bring justice to their victims, its essence and main strength lie in the jurisdiction erga omnes, a fundamental principle when one speaks of justice.

Because that desire is universal, the world demands that there be no State where there is room for impunity. Accordingly, Costa Rica welcomes Palestine's joining the Rome Statute, which brought the number of States parties to 123, and reiterates the need to continue promoting ratification of the Statute in order to achieve universality.

Costa Rica also welcomes the adoption of resolution 69/279 by consensus. Nevertheless, my delegation expected there to be a transparent and inclusive process that would allow for the holding of genuine negotiations on the text of the resolution.

The Relationship Agreement between the Court and the United Nations was developed in response to resolution 58/79, in December 2003, which, adopted by consensus, called for the concluding of such Agreement. However, there are many issues outstanding with respect to the instrumentalization of the contents thereof. Costa Rica would like to take this opportunity to mention some of the issues that it thinks should be included in the resolution in order for its importance and relevance to be enhanced.

First, the Statute provides that, through the Security Council, the United Nations shall refer to the International Criminal Court cases of heinous crimes committed in States that are not parties to the Statute. That power should be exercised with the greatest responsibility and objectivity. Costa Rica has insistently argued for establishing a uniform, predictable and transparent protocol for referring cases to the Court. In that regard, we welcome the fact that France is championing the proposal of the Small Five Group, of which Costa Rica is part, which asks the permanent members to sign a code of conduct in which they undertake not to use the veto in cases of mass atrocities.

In addition, my delegation asks that, for future referrals, the Security Council not incorporate exceptions to the Court's jurisdiction that violate the principle of equality before the law, and thereby undermine the credibility of the Council and that of the Court. These resolutions should also establish the duty of all States Members of the United Nations to cooperate with the Court.

Another crucial issue is the financing of referrals to the Court by the United Nations, as other delegations have already mentioned. Because the Charter of the United Nations makes the Security Council responsible for the maintenance of international peace and security, the Court, in taking up such referrals, is helping that body fulfil its mandate. In cases where there is cooperation, article 13 of the Agreement, which provides for the financial contribution of the United Nations, shall be applied between the Court and the United Nations.

The foregoing and other key issues, such as the practice of informing the Prosecutor and the President of the Assembly of States Parties beforehand of any meetings with persons who are the subject of arrest warrants issued by the Court that were considered necessary for the performance of United Nations-mandated tasks, are matters covered in the report submitted by the President of the Court (A/69/321); as such, given their timeliness, their mention in the resolution we have just adopted was not only appropriate but particularly relevant.

Costa Rica sincerely regrets that today we have once again adopted a resolution that does not meet the commitments set forth in the Relationship Agreement between the United Nations and the Court, and, even worse, that does not respond to the needs of the international criminal justice system, a goal that is in the interest of all States Members of the United Nations, parties and non-parties to the Rome Statute alike.

We hope that negotiations at the next session will be conducted in a way that will allow for a genuine and fruitful discussion.

The Acting President: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 73?

It was so decided.

Agenda item 113 (*continued*)

Appointments to fill vacancies in subsidiary organs and other appointments

(g) Appointment of members of the Joint Inspection Unit

Note by the President of the General Assembly (A/69/881)

The Acting President: As indicated in document A/69/881, the General Assembly is required, during its current session, to appoint members of the Joint Inspection Unit to fill the vacancies that will arise from the expiration of the terms of office on 31 December 2015 of Mr. Gérard Biraud (France), Mr. Papa Louis Fall (Senegal), Mr. István Posta (Hungary) and Mr. Cihan Terzi (Turkey).

In accordance with the procedures described in article 3, paragraph 1, of the statute of the Joint Inspection Unit, and pursuant to resolution 61/238, of 22 December 2006, and having consulted Member States and drawn up a list of countries from among the regional groups concerned, the President of the General Assembly has requested Canada, Germany, Morocco and Romania to propose candidates to serve for a period of five years beginning on 1 January 2016.

As also indicated in document A/69/881, the candidates, in accordance with paragraph 7 of resolution 59/267, of 23 December 2004, should have experience in at least one of the following fields: oversight, audit, inspection, investigation, evaluation, finance, project evaluation, programme evaluation, human resources management, management, public administration, monitoring or programme performance, in addition to knowledge of the United Nations system and its role in international relations.

As further indicated in document A/69/881, as a result of the consultations held in accordance with article 3, paragraph 2, of the statute of the Joint Inspection Unit, including consultations with the President of the Economic and Social Council and with the Secretary-General, in his capacity as Chair of the United Nations System Chief Executives Board for Coordination, the President submits to the Assembly the candidatures of Mr. Jeremiah Kramer (Canada), Ms. Gönke Roscher (Germany), Ms. Aicha Afifi (Morocco) and Mr. Petru Dumitriu (Romania), for appointment as members of the Joint Inspection Unit for a five-year term of office beginning on 1 January 2016 and expiring on 31 December 2020.

May I take it that it is the wish of the Assembly to appoint Mr. Jeremiah Kramer (Canada), Ms. Gönke Roscher (Germany), Ms. Aicha Afifi (Morocco) and Mr, Petru Dumitriu (Romania) as members of the Joint Inspection Unit for a five-year term of office beginning on 1 January 2016 and expiring on 31 December 2020?

It was so decided.

The Acting President: May I take it that it is the wish of the General Assembly to conclude its consideration of sub-item (g) of agenda item 113?

It was so decided.

The meeting rose at 11.10 a.m.